

Rules of Department of Economic Development

Division 90—State Board of Cosmetology Chapter 14—Public Complaint Handling and Disposition Procedure

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 90—State Board of
Cosmetology
Chapter 14—Public Complaint
Handling and Disposition Procedure**

**4 CSR 90-14.010 Public Complaint
Handling and Disposition Procedure**

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints by the board, pursuant to the mandate of section 4.16(6) of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo (1986).

(1) The State Board of Cosmetology shall receive and process each complaint made against any licensee or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 329, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the board. Complaints may be received from sources without the state of Missouri and processed in the same manner as those originating within Missouri. No member of the board of State Board of Cosmetology shall file a complaint with this board while s/he holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. The executive director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: Executive Director, State Board of Cosmetology, 3523 North Ten Mile Drive, P.O. Box 1062, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaint may be made based upon personal knowledge or upon information and belief reciting information received from other sources.

(3) All complaints shall be made by affidavit sworn before a notary public or other authorized officer and shall fully identify the affiant by name and address. Complaints may be made on forms provided by the board and available upon request. Oral, telephone or written but unsworn communications will not be considered or processed as complaints, but the person making these communications will be provided with a complaint form and

requested to complete it and return it to the board in affidavit form. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by that staff member to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. Complaints shall be logged in consecutive order as received. The logbook shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This logbook shall be a closed record of the board but shall be available for inspection at the board's offices only by state senators, representatives, their designates or by qualified officials or their designates within the executive branch of Missouri government having supervisory, auditing, reporting or budgetary responsibilities or control over the board.

(5) Each complaint received under this rule shall be acknowledged in writing. The acknowledgement shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed in writing as to whether the complaint is being investigated, and later, as to whether the complaint is being dismissed by the board or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals and shall be provided with copies of the decisions (if any) of the Administrative Hearing Commission and the board at that time. Provided that the provisions of this section shall not apply to complaints filed by staff members of the board, based on information and belief, acting in reliance on third party information received by the board.

(6) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record, pursuant to section 620.010.14(7), RSMo, and shall not be available for inspection by the general pub-

lic. However, upon receipt of a signed authorization on a form provided by the board from the person who is the subject of the complaint and payment of the fee established under 4 CSR 90-13.010, the board shall provide that person, or that person's authorized representative, with a copy of the complaint and any attachments to the complaint unless otherwise privileged.

(7) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee, permit holder or registrant of the board with any actionable conduct or violation, whether or not the complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(8) The board interprets this rule, as required by law, to exist for the benefit of those members of the public who submit complaints to the board, and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect or inure to the benefit of those licensees, permit holders, registrants or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 329, RSMo.

AUTHORITY: section 329.140, RSMo 1986. Original rule filed Nov. 13, 1981, effective March 11, 1982. Amended: Filed March 31, 1988, effective June 27, 1988. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990.*

**Original authority: 329.140, RSMo 1939, amended 1945, 1951, 1979, 1981, 1995, 1998.*